



Colorado Legislative Council Staff

Room 029 State Capitol, Denver, CO 80203-1784
(303) 866-3521 • FAX: 866-3855 • TDD: 866-3472
leg.colorado.gov/lcs
E-mail: lcs.ga@state.co.us

MEMORANDUM

January 17, 2018

TO: Interested Persons

FROM: Kerry White, Principal Fiscal Analyst, 303-866-3469

SUBJECT: Fiscal Analysis of Bills with Impacts to the Department of Corrections

Summary

This memorandum outlines the costs and assumptions used in the fiscal analysis of bills in the 2018 legislative session that have impacts to the Department of Corrections.

Prison beds

Current law prohibits the General Assembly from passing any bill to increase periods of imprisonment in state correctional facilities (prisons) without appropriating funds to cover increased capital construction and operating costs for five fiscal years. However, current law also allows the Department of Corrections (DOC) to place offenders classified as medium custody and below in private contract prisons, for which no state capital construction costs are incurred.

Offenders sentenced under a bill to prison may be placed in either a state-run or a private contract prison, depending on several factors. Placing offenders in a state-run prison often requires a shift of other inmates in that facility to private contract prisons. Therefore, fiscal notes assume that no new capital construction funds are necessary and that new placements to prison will be accommodated through the use of private contract prisons.

Offenders placed in a private contract prison cost the state \$60.47 per offender, per day. This includes the daily contract rate of \$56.80 and \$3.67 per offender, per day for medical care provided by the DOC. For offenses committed on or after the effective date of the bill, no impact is shown in the first year because of the estimated time for criminal acts to occur, filing of charges, trial, disposition, and sentencing. If any first year impacts are incurred, the fiscal note assumes that the DOC will address any changes in appropriations through the annual budget process.

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Length of stay calculations are based on the average length of stay for the group of offenders convicted of an offense in the same felony class and leaving prison in the prior calendar year. These calculations are published annually by the Division of Criminal Justice in the Department of Public Safety, found here: <https://www.colorado.gov/pacific/dcj-ors/ors-prisonpopproj>

Parole

The fiscal note shows parole costs based on the average length of stay for the group of offenders convicted in Colorado of an offense in the same felony class and leaving parole in the prior calendar year. These calculations are also published annually by the Division of Criminal Justice in the Department of Public Safety. The cost per day for supervising an offender on parole is \$13.03.

